IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.669 OF 2006
IN
APPEAL FROM ORDER NO.425 OF 2006

Surinder Singh Bakshi. ..Applicant.

V/s.

The Municipal Corpn. of Gr.Mumbai & Anr...Respondents.

Ms.Geeta Shashtri i/b. M/s. Khilnani & Co. for applicant.

Ms.Jogalekar for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 20, 2006.

P.C. :

1. Heard.

2. As remedy of regularisation can be pursued by the applicant only if the authorities were to provide relevant documents and since the applicant has not been furnished with those documents by the concerned department, no fault can be found with the applicant for his inability to submit formal application through recognised architect. It is stated in the application that the applicant has already applied to the concerned department of the Corporation for supplying sanctioned plan, assessment record and no due certificate. Unless those documents are

accompanied with the proposal for regularisation, application will not be entertained.

3. The counsel for the Corporation submits that the application for furnishing sanctioned plan is defective, in as much as it does not indicate the number of sanctioned plan. The counsel however, accepts that the application mentions the City Survey Number of the plot in question. On the basis of that information, it is possible for the officials of the Corporation to trace the sanctioned plan and make available copy thereof to the applicant. Accordingly, officials of the Corporation are directed to furnish copy of the sanctioned plan, assessment record and no due certificate to the applicant within four weeks from today. In case those documents are not available, the Corporation shall inform the applicant in writing about that position forthwith, in any case before expiry of four weeks from today.

4. There are other documents, which will be relevant for submitting proposal for regularisation. In as much as the proposal will have to be accompanied by the property card and city survey plan. Those documents will have to be furnished by

the Bombay City Survey Office. The applicant has already applied to the said office to furnish those documents. The concerned officials of the Bombay City Survey Office are directed to issue copy of the property card and City Survey plan to the applicant as demanded on payment of costs as per rules. That be done within four weeks from today. I am conscious of the fact that the said officer of the State of Maharashtra is not party to the present proceedings. However, to resolve the controversy in question, it is necessary to issue such directions. The learned AGP who is present in the court assures to intimate the concerned officials about the contents of this order, so as to take necessary steps forthwith. In case Bombay City Survey office is unable to furnish the above said documents within four weeks, they shall immediately inform the applicant in writing about such inability, in any case not later than four weeks from today.

5. If the applicant is able to collect above said documents in time, shall submit proposal for regularisation to the competent authority within six weeks from today. On receipt of such proposal the competent authority may take appropriate decision thereon, on its own merits in accordance with the

law.

6. Application disposed of on the above terms.